

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TEXAS**  
**TEXARKANA DIVISION**

**UNITED STATES OF AMERICA**

§

**VS.**

§

**CRIMINAL ACTION NO. 5:02-CR-20 (2)**

**FRANK KELLEY**

§

**USM No. 10155-078**

§

**Defendant's Attorney: Pro Se**

**Date of Previous Judgment:** November 17, 2003

(Use Date of Last Amended Judgment, if Applicable)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. §3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the Court under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

**DENIED.**  **GRANTED**

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other. (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

**Career offender**

**IT IS SO ORDERED.**

**SIGNED** this 23rd day of June, 2009.

  
 DAVID FOLSOM  
 UNITED STATES DISTRICT JUDGE